THE BOARD OF COUNTY COMMISSIONERS DURHAM, NORTH CAROLINA

Monday, September 13, 2010

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government

Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and

Commissioners Becky M. Heron, Brenda A. Howerton, and Joe Bowser

Absent: None

Presider: Chairman Page

Chairman Page announced that the meeting was officially opened at 5:30 pm to adjourn into Closed Session.

Closed Session

Commissioner Heron moved, seconded by Commissioner Howerton to adjourn to Closed Session pursuant to G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.

The motion carried unanimously.

The Board reconvened to open session at 7:05 pm. The Board provided staff with directives as a result of the Closed Session.

Opening of Regular Session—Pledge of Allegiance

Chairman Page welcomed Boy Scout Troop 439. The troop was working toward a "Citizenship in the Community" badge.

Announcements

Chairman Page read the following announcements:

• "In Touch with Durham County," the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays; and 6:30 p.m. Tuesday-Sundays. Our County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.

- We are pleased to announce that the public is invited to the opening ceremony for our newly renovated **Durham County Memorial Stadium** scheduled on Wednesday, September 15, from 6 9 p.m. The location is 2700 N Duke St. near Durham Regional Hospital.
- This month is Alcohol and Drug Addiction Recovery Month. Our Durham Center will sponsor Durham's 5th Annual Recovery Celebration on September 24, 4-7 p.m. at Durham Central Park. For more information, call 560-7833.

Commissioner Heron encouraged everyone to attend the grand opening ceremony at the stadium. She thanked Stadium Authority Chair, Tommy Hunt, for his work in leading the Authority.

Vice Chair Reckhow announced that the City would hold an informational workshop on the East End Connection on Monday, September 20, 2010 from 4-7 pm at Orange Grove Missionary Baptist Church, 505 East End Avenue. The event was an open forum and interested parties were encouraged to attend at any time during the 4-7 time period.

Vice Chair Reckhow commended Target Corporation for their work at E K Powe Elementary. Target financed the reopening of the school's library. Approximately 150 Target volunteers were on hand at the school for the reopening event to volunteer in other areas.

Agenda Adjustments

The Chair announced that the Public Hearing on the Text Amendment to the Unified Development Ordinance (UDO) – Nonconforming Off-Premise Signs (Billboards) (TC1000002) had been withdrawn by the applicant and pulled from the agenda.

City/County Planning Director, Steve Medlin, explained that the applicant had withdrawn the application which closed the case file. The applicant would have to submit a new application if the matter was brought back to the Planning Commission.

Vice Chair Reckhow requested that Planning staff conduct an assessment of the billboards that are unsightly and in disrepair.

Minutes

Commissioner Howerton moved, seconded by Vice Chair Reckhow, to approve the July 26, 2010 Regular Session Minutes, the July 29, 2010 Continued Session Minutes, and the August 23, 2010 Regular Session Minutes.

The motion carried unanimously.

Family Day 2010 Proclamation

Chairman Page read the following Proclamation and asked Ellen Holliman, Area Director of The Durham Center, to accept the Proclamation:

PROCLAMATION Durham County Board of Commissioners Durham County, North Carolina

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the wellbeing of America's children;

WHEREAS, 15 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families, the less likely they are to smoke, drink, and use illegal drugs;

WHEREAS, frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use, and prescription drug abuse;

WHEREAS, the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented;

WHEREAS, parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances;

WHEREAS, family dinners have long constituted a substantial pillar of family life in America:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim September 27, 2010 as

Family Day—A Day to Eat Dinner with Your ChildrenTM

in Durham. I encourage all Durham County officials, employees, and citizens to work to recognize and participate in its observance.

This the 13th day of September, 2010.

Michael D. Page, Chairman

Ms. Holliman expressed her appreciation to the Board for recognizing this occasion. She emphasized that there are approximately 21,000 family members who have substance abuse problems in Durham.

Chairman Page encouraged Ms. Holliman to share the Proclamation with the school system so it can be read at their meetings as well.

Vice Chair Reckhow asked Public Health and Cooperative Extension to look at hosting a program on Channel 8 that might promote cooking quick, healthy meals for the family. The County Manager will follow up.

Minority Enterprise Development Week Proclamation

Chairman Page read the following Proclamation recognizing Minority Enterprise Development Week:

PROCLAMATION Durham County Board of Commissioners Durham County, North Carolina

WHEREAS, it is the policy of the County of Durham that purchasing by the County and contracts with the County be open to all people and be free of discrimination on the basis of race and gender; and

WHEREAS, the Durham County Minority and Women Enterprise Ordinance Section 8-132 provides minorities and women equal opportunity to participate in all aspects of the County's contracting program, including, but not limited to, employment, construction projects, and/or materials and service contracts, consistent with the law;

WHEREAS, North Carolina General Statute § 143-128, provides for "good faith efforts" to be made in an effort to ensure fair participation of minority and women business owners in all County projects;

WHEREAS, it is further the policy of the County to conduct its contracting programs so as to prevent such discrimination, correct present discrimination, and to resolve claims of such discrimination:

WHEREAS, the County of Durham is a sponsor of the Minority Enterprise Development Week:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim that October 4 – October 8, 2010 be recognized as

MINORITY ENTERPRISE DEVELOPMENT WEEK.

This the 13th day of September, 2010.

Michael D. Page, Chairman

Assistant Purchasing Manager, Pamela Gales, was present to accept the Proclamation. She thanked the City of Durham's EEO Department for inviting Durham County to be a sponsor. Activities for the week include a kickoff luncheon on October 4; training on October 5; a Business after Hours event on October 6; training on October 7; and a "Golf with a minority" event on October 8.

Recognition of The Durham Center and CJRC for Receiving a 2010 Employee Productivity Award from the NC Association of County Commissioners

The Board recognized The Durham Center and the Criminal Justice Resource Center for receiving a 2010 Employee Productivity Award from The NC Association of County Commissioners for their implementation of the Durham Center Access Assessment Team. The Employee Productivity Awards Program recognizes innovative county employees who develop successful productivity improvements in county government.

Ellen Holliman commented on the award. She recognized Gudrun Parmer, Director of Durham County Criminal Justice Resource Center; Robert Robinson, Assistant Area Director; and Bridget Collins, Care Management Supervisor. Mr. Robinson stated that the program was initially implemented to eliminate a wait list for services. They all thanked the Board for the recognition.

Recognition of Commissioner Brenda A. Howerton for Obtaining "Practitioner" Status from UNC School of Government's Local Elected Leaders Academy

Durham Commissioner Howerton is one of the first class of four county commissioners in the state to achieve Practitioner status in the Local Elected Leaders Academy. LELA has three overall goals: to enhance the capacity of elected officials to lead and govern their boards, councils and communities; to equip elected officials with the knowledge and tools to practice and preserve democracy and representative government; and to prepare elected officials to assume future leadership responsibilities within their communities, associations and throughout the state.

Chairman Page congratulated Commissioner Howerton on her accomplishments in obtaining "Practitioner" Status.

Commissioner Howerton commented that the award solidified her training efforts. She will be working on a mentoring certification to help educate youth in the community about becoming elected officials.

Chairman Page also congratulated Vice Chair Reckhow on her appointment as Chair of the North Carolina Association of County Commissioners' Intergovernmental Relations Committee and as a member of the Association's Board of Directors.

Consent Agenda

Chairman Page asked the Commissioners if they desired to pull any items from the Consent agenda. No items were pulled.

Vice Chair Reckhow moved, seconded by Commissioner Howerton, to approve the following consent agenda items:

- a. *Approve Budget Ordinance Amendment No. 11BCC000003 Cooperative Extension Recognition of Continuation Grant Funding for Strengthening Families 10-14 Program from a State of North Carolina Grant Award administered by Durham County Health Department to Support the Strengthening Families Program: For Parents and Youth Age 10-14 (\$25,030.00);
- b. * Approve Budget Ordinance Amendment 11BCC000004 Office of the Sheriff and City of Durham Police Department Acceptance of 2010 Edward Byrne Memorial Justice Grant (JAG) \$91,626 each;
- c. *Approve Budget Ordinance Amendment No. 11BCC000005 Durham County Library to recognize revenue from South Arts for Humanities programming (\$2,000);
- d. *Approve Budget Ordinance Amendment No. 11BCC000006 for the Department of Social Services to recognize Family Violence Prevention and Services Act Revenue (\$4,074.00);
- e. *Approve Budget Ordinance Amendment No. 11BCC000007 for the Department of Social Services to recognize grant funds from Triangle United Way for Direct Medical (\$19,614);
- f. *Approve Budget Ordinance Amendment No. 11BCC000008 for the Department of Social Services to recognize Supplemental Nutrition Assistance Program (SNAP) Contingency funds (\$236,314);
- g. *Approve Budget Ordinance Amendment No. 11BCC000009 Reallocation of Sheriff's Office LEO Officer to Durham Public Schools as a School Resource Officer with additional funding support from Durham Public Schools (\$47,739), and a corresponding change in the Interlocal Agreement relating to this position change;
- h. *Approve Budget Ordinance Amendment No. 11BCC000010 Sheriff's Office Designation and Appropriation of Inmate Funds to Support Inmate Welfare (\$351,744);
- i. Approve the contracts for the purchase of clinical casework and furniture from the U.S. Communities Buying Program for Phase I and II of the Durham County Human Services Project No: DC070;
- j. Award the contracts for the purchase of furniture for Phase I of the Durham County Human Services Project No: DC070, Bid No: IFB 11-002;
- k. Execute the Security System Installation Contract for the New Durham County Human Services Project No.: DC070, IFB No: 10-027;
- 1. Execute the Heery International Consulting Services Agreement for the Moving Consulting Services for the Durham County Human Services Building Project No.: DC070: RFP No. 10-031;
- m. Execute the Engineering Design Service Contract with Edmondson Engineers, PA for the Fiber Optic Network Infrastructure Project. Project No.: DC134;
- n. Approve the Single Family Rehabilitation Grant Assistance Policy and Procurement & Disbursement Policy;
- o. Adopt the revisions to Audit Oversight Committee By-Laws;
- p. Accept the Liability Claims and Subrogation Recovery Report for FY 09-10;
- q. Approve the Amendment to the Radio Interlocal Agreement with the City of Durham;
- r. Authorize the County Manager to amend an Engineering Services Contract with Sud Associates for the Design Development and Construction Documents for the Replacement of the Administrative Complex Chiller to Secure ARRA Grant Funding for Energy Efficiency Upgrades.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a. Approve Budget Ordinance Amendment No. 11BCC000003 – Cooperative Extension Recognition of Continuation Grant Funding for Strengthening Families 10-14 Program from a State of North Carolina Grant Award administered by Durham County Health Department to Support the Strengthening Families Program: For Parents and Youth Age 10-14 (\$25,030.00);

DURHAM COUNTY, NORTH CAROLINA FY 2010-11 Budget Ordinance Amendment No. 11BCC000003

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND Intergovernmental	\$71,632,728	\$26,030	\$71,658,758
Expenditures: Function			
GENERAL FUND Economic and Physical Development	\$5,274,466	\$26,030	\$5,300,496

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of September, 2010.

<u>Consent Agenda Item No. b.</u> Approve Budget Ordinance Amendment 11BCC000004 – Office of the Sheriff and City of Durham Police Department Acceptance of 2010 Edward Byrne Memorial Justice Grant (JAG) - \$91,626 each.

DURHAM COUNTY, NORTH CAROLINA FY 2009-10 Budget Ordinance Amendment No. 11BCC000004

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2010-11 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND Intergovernmental	\$71,658,758	\$183,252	\$71,841,010
Expenditures:			
GENERAL FUND Public Safety	\$43,087,925	\$183,252	\$43,271,177

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of September, 2010.

<u>Consent Agenda Item No. c.</u> Approve Budget Ordinance Amendment No. 11BCC000005 – Durham County Library to recognize revenue from South Arts for Humanities programming (\$2,000);

DURHAM COUNTY, NORTH CAROLINA FY 2010-11 Budget Ordinance Amendment No. 11BCC000005

Revenue:

<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND Intergovernmental	\$71,842,010	\$2,000	\$71,844,010
Expenditures:			
GENERAL FUND			

Cultural and Recreation \$10,942,901 \$2,000

2,000 \$10,944,901

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of September, 2010.

<u>Consent Agenda Item No. d.</u> Approve Budget Ordinance Amendment No. 11BCC000006 for the Department of Social Services to recognize Family Violence Prevention and Services Act Revenue (\$4,074.00);

Amendment No. 11BCC000006

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Category	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND Intergovernmental	\$71,844,010	\$4,074	\$71,848,084
Expenditures:			
GENERAL FUND Human Services	\$103,231,740	\$4,074	\$103,235,814

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of September, 2010.

<u>Consent Agenda Item No. e.</u> Approve Budget Ordinance Amendment No. 11BCC000007 for the Department of Social Services to recognize grant funds from Triangle United Way for Direct Medical (\$19,614);

DURHAM COUNTY, NORTH CAROLINA FY 2010-11 Budget Ordinance Amendment No. 11BCC000007

Revenue:

<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND Contributions & Donations	\$1,100,742	\$19,614	\$1,120,356
Expenditures:			
GENERAL FUND Human Services	\$103,235,814	\$19,614	\$103,255,428

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of September, 2010.

<u>Consent Agenda Item No. f.</u> Approve Budget Ordinance Amendment No. 11BCC000008 for the Department of Social Services to recognize Supplemental Nutrition Assistance Program (SNAP) Contingency funds (\$236,314);

DURHAM COUNTY, NORTH CAROLINA FY 2010-11 Budget Ordinance Amendment No. 11BCC000008

Revenue:

<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND Intergovernmental	\$71,848,084	\$236,314	\$72,084,398
Expenditures:			
GENERAL FUND Human Services	\$103,235,814	\$236,314	\$103,491,742

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of September, 2010.

<u>Consent Agenda Item No. g.</u> Approve Budget Ordinance Amendment No. 11BCC000009 – Reallocation of Sheriff's Office LEO Officer to Durham Public Schools as a School Resource Officer with additional funding support from Durham Public Schools (\$47,739), and a corresponding change in the Interlocal Agreement relating to this position change;

DURHAM COUNTY, NORTH CAROLINA FY 2010-11 Budget Ordinance Amendment No. 11BCC000009

Revenue:

<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND Intergovernmental	\$72,084,398	\$47,739	\$72,132,137
Expenditures:			
GENERAL FUND Public Safety	\$43,271,177	\$47,739	\$43,318,916

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of September, 2010.

DURHAM COUNTY, NORTH CAROLINA FY 2010-11 Budget Ordinance Amendment No. 11BCC000009

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<u>Category</u>	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND Intergovernmental	\$72,084,398	\$47,739	\$72,132,137
Expenditures:			
GENERAL FUND Public Safety	\$43,271,177	\$47,739	\$43,318,916

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of September, 2010.

<u>Consent Agenda Item No. h.</u> Approve Budget Ordinance Amendment No. 11BCC000010 – Sheriff's Office Designation and Appropriation of Inmate Funds to Support Inmate Welfare (\$351,744);

DURHAM COUNTY, NORTH CAROLINA FY 2010-11 Budget Ordinance Amendment No. 11BCC000010

Revenue:

Category	Current Budget	Increase/Decrease	Revised Budget
GENERAL FUND Other Revenues	\$185,911	\$351,744	\$537,655
Expenditures:			
GENERAL FUND Public Safety	\$43,318,916	\$351,744	\$43,670,660

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of September, 2010.

<u>Public Hearing - Consider Allocating Economic Development Investment Funds to Cree</u>

Deputy County Manager Carolyn Titus introduced the item. She gave the following account. The Board was requested to hold a public hearing to consider allocating economic development investment funds to Cree, a leading developer and manufacturer of LED lighting, and semiconductor solutions for wireless and power applications. Cree's products are used in backlighting for electronics and vehicles, general illumination, electronic signs and signals, variable speed motors and wireless communications. The company is dedicated to designing and producing products which are energy efficient and environmentally friendly.

Cree, a homegrown Durham company since 1987, operates in a highly competitive global market driven by rapidly changing technology, short product life and a competitive pricing environment. Currently Cree is evaluating a substantial investment in a new production line to launch a new generation LED chip. Cree is considering several locations for the project, including China, Malaysia, and Durham. The capital investment for this project is expected to be approximately \$392 million, with \$135 million dedicated to machinery for the new production line. Cree would also create 244 new jobs in Durham by the end of 2013 to operate the production center. Company officials have stated that incentives from the local government are a key consideration in its final decision on locating the expansion, particularly in light of the cost of labor in the overseas market.

Staff recommended that the county participate in this economic development project by providing up to two million (\$2,000,000.00) for the \$392 million project. Eight hundred and twenty five thousand (\$825,000) of those funds would be reserved to pay for training expenses of new employees hired who are Durham residents. Funds would be furnished over a seven year period through an economic development incentive fund performance contract.

This public hearing was advertised on Friday, September 3, 2010 as required by law.

Chairman Page opened the public hearing and recognized the following citizens who signed up to speak on the item:

Casey Steinbacher, Greater Durham Chamber of Commerce; Miguel Rubiera, Durham Habitat for Humanity; Keith Burns, Greater Durham Chamber of Commerce; Will Wilson, Durham Farmland Preservation; and Dr. Lavonia Allison, Durham Committee on the Affairs of Black People.

Ms. Steinbacher, Mr. Rubiera, and Mr. Burns spoke in favor of the incentive fund and stressed the increased tax base, employment, community involvement, and corporate support connected with Cree and this project. They encouraged the Board to act favorably to keep Cree and jobs in Durham.

Mr. Wilson expressed concern about losing clean water to urbanization. He encouraged the Board to ensure that farmland is protected.

Dr. Allison expressed concern about using leverage to ensure that minorities get some of the jobs offered by Cree.

Vice Chair Reckhow responded that the most extensive area of the incentive package is tied to training.

Commissioner Bowser appealed to ministers to invite Cree representatives to their churches to help recruit qualified workers.

Chairman Page asked Ms. Steinbacher to continue to seek ways to engage our citizens. Ms. Steinbacher responded that the Straightline program is a good example. She asked to come back before the Board to talk about the process at a different time.

Commissioner Howerton recommended that Ms. Steinbacher appear on the County's TV show to reach the community.

Commissioner Bowser thanked Ms. Steinbacher for her work at the Chamber and her efforts to help strengthen the community through jobs.

Vice Chair Reckhow encouraged Ms. Steinbacher to engage high school students about getting excited about future jobs, possibly through internships or summer employment. Commissioner Bowser commented that emphasis should be placed on college graduates who are unemployed.

Steve Kelly, Chief Operating Officer for Cree was present to answer questions from the Board.

Commissioner Heron asked how the jobs would be advertised and what would be expected from the applicants.

Mr. Kelly replied that currently Cree has 1815 full time employees and 376 contractors. In 2010, 350 people were hired. Recruitment for manufacturing jobs is handled through a contracting agency. If the person performs well, they are usually given preference for full time openings. He added that it is more difficult to fill specialized positions.

Commissioner Heron stated that "if Durham County is providing the incentive money, she wants to see Durham County citizens being hired. If it takes additional training, tell us what we need to do." She further suggested that Cree go to high schools and train students in their areas of specialization.

Mr. Kelly stated that Commissioner Heron had a good idea and he would take the suggestion under consideration.

The County Manager responded to Mr. Wilson's concerns about farmland. Mr. Ruffin indicated that Farmland Preservation received an increase in spending this year, when most others took a cut. He assured Mr. Wilson that farmland preservation is a high priority for the Board.

Chairman Page closed the public hearing.

Chairman Page indicated that he would like to tour Cree's facility.

Vice Chair Reckhow moved, seconded by Commissioner Heron to approve entering into an economic development incentive contract between the County of Durham and Cree in the maximum amount of \$2,000,000.

The motion carried unanimously.

Discussion of Items for 2011 NCACC Legislative Agenda

Chairman Page recognized Assistant County Manager, Deborah Craig-Ray. Ms. Craig-Ray reminded the Board that the NCACC deadline for items to be submitted was September 15.

The Board reviewed the following list. Vice Chair Reckhow commended Ms. Craig-Ray on preparing the goals and rationale for the items.

- 1. Sales Tax Exemption
- 2. School Attendance
- 3. Inmate Medical Care Fees
- 4. Annexation
- 5. Court Funding
- 6. Juvenile Age

- 7. Criminal Justice Resource Center Funds
- 8. Standardized Approach to municipal vehicle fees
- 9. Central listing and assessing of cellular cable companies
- 10. Reimbursement, In Rem Foreclosures

Chairman Page encouraged Ms. Craig-Ray to keep schools on the radar. He spoke about the number of African American males not graduating from high school and the need to advocate for services from birth to high school.

Commissioner Heron expressed her hope that Durham County will work to do away with "puppy mills." It is becoming an animal control problem.

Commissioner Howerton moved, seconded by Vice Chair Reckhow to approve the list of possible legislative issues of statewide concern and forward to NCACC.

The motion carried unanimously.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 8:27 p.m.

Respectfully submitted,

V. Michelle Parker-Evans Clerk to the Board